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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		ATTORNEY'S DOCKET NUMBER <b>022762-0015</b> U.S. APPLICATION NO. (If known, see 37 CFR 1.5) <b>107519778</b>
INTERNATIONAL APPLICATION NO. <b>PCT/IE03/00100</b>	INTERNATIONAL FILING DATE <b>01 July 2003 (01.07.2003)</b>	PRIORITY DATE CLAIMED <b>03 July 2002 (03.07.2002)</b>
TITLE OF INVENTION <b>SURGICAL STAPLING DEVICE</b>		
APPLICANT(S) FOR DO/EO/US <b>Christy CUMMINS and Paul HOOL</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371 (f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371 (c)(2))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ol> </li> <li>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2)).           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto.</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ol> </li> <li>7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))           <ol style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371 (c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)) <b>(unexecuted) (3 sheets);</b></li> <li>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).</li> </ol>		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
<ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment <b>(6 sheets) (including amendments to the specification and claims);</b></li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</li> <li>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or information: <b>Transmittal Letter (2 sheets in duplicate); PCT Request (7 sheets); PCT International Published Application (WO 2004/004578) (with International Search Report) (24 sheets); Certificate of Express Mailing (1 sheet); Check (\$550) based on SMALL entity; and Return Postcard.</b></li> </ol>		

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO.		ATTORNEY'S DOCKET NUMBER	
10/519778		PCT/IE03/00100		022762-0015	
21. The following fees are submitted:				Applicant Use	Office Use Only
<input checked="" type="checkbox"/>	a) Basic national fee .....	\$300.00	\$	300.00	
<input checked="" type="checkbox"/>	b) Examination fee .....	\$200.00	\$	200.00	
<input checked="" type="checkbox"/>	c) Search fee .....	\$500.00	\$	500.00	
TOTAL OF ABOVE CALCULATIONS =			\$	1,000.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				0.00	
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492 (e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	18 - 20 =	0	x 25.00	\$	0.00
Independent claims	4 - 3 =	1	x 100.00	\$	100.00
MULTIPLE DEPENDENT CLAIM(s) (if applicable)			+	180.00	\$
TOTAL OF ABOVE CALCULATIONS =			\$	1,000.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	550.00
SUBTOTAL =				\$	550.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492 (f)).				+	\$
TOTAL NATIONAL FEE =				\$	550.00
Fee for recording the enclosed assignment (37 CFR 1.21 (h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	550.00
Amount to be refunded:					\$
Amount to be charged:					\$
a. <input checked="" type="checkbox"/> A check in the amount of <b>\$550.00</b> to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <b>141449</b> . A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the International Application to pending status.					
SEND ALL CORRESPONDENCE TO:					
Lisa J. Michaud NUTTER MCCLENNEN & FISH LLP World Trade Center West 155 Seaport Boulevard Boston, Massachusetts 02210-2604 (617)439-2550 CUSTOMER NUMBER: 021125			SIGNATURE:  Lisa J. Michaud NAME 44,238 REGISTRATION NUMBER		

**UNITED STATES PATENT OFFICE**

Applicant(s): **Christy CUMMINS and Paul HOOI**  
Application No: **Not yet Assigned**  
Filed: **Herewith**  
Entitled: **SURGICAL STAPLING DEVICE**  
Agent's File Reference: **22762-15**

Certification under 37 CFR 1.10

Attention Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

I hereby certify that the following documents are being deposited with the United States Postal Service using "Express Mail Post Office to Addressee" service, Mailing Label No. **EV 323 624 047 US**, under 37 CFR 1.10 on the date indicated below and addressed to the Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450:

- (1) Transmittal Letter (2 sheets in duplicate);
- (2) Declaration, Petition and Power of Attorney (unexecuted) (3 sheets);
- (3) Preliminary Amendment (6 sheets)  
(along with amendments to the specification and claims);
- (4) Copy of PCT Request (7 sheets);
- (5) Copy of PCT International Published Application (WO 2004/004578)  
(with International Search Report attached) (24 sheets);
- (6) Check (\$550) based on SMALL entity status;
- (7) Certificate of Express mailing (1 sheet); and
- (8) Return Postcard.

29 December 2004

Date

  
Name: **Lisa J. Michaud**